

III. REMARKS

Claims 1-5 have been rejected under 35 U.S.C. 103(a) as being obvious over Allabaugh in view of Crute, Jr. ("Crute") and Naka. The Applicant disagrees.

The Applicant again notes that Allabaugh, Crute and Naka have been combined improperly. Naka is not in the same field as the Applicant's invention (i.e. crawlspace foundation vent covers). Naka is directed to a floor hatch and not to crawlspace foundation vent covers. Nor is Naka reasonably pertinent to the particular problem with which the Applicant was concerned (i.e. closing and sealing air ventilation openings in walls to prevent the entry of air and humidity from the atmosphere into a crawlspace). The floor hatch of Naka functions as part of the floor and thus must necessarily support floor loads. In contrast, the closure for air ventilation openings in walls do not have to support (i.e. are not subjected to) the wall loads and serves as an access for inspecting wiring, piping and like installations provided under a building floor (Col. 1, L. 1-7). Naka is not in the same field of endeavor nor is it reasonably pertinent to the particular problem to which the Applicant was concerned. Therefore, Naka is not analogous art and cannot be properly combined with Allabaugh and Crute.

Furthermore it would not have been obvious for a person skilled in the art to combine Naka with Allabaugh and Crute. Naka is concerned with a floor hatch while Allabaugh and Crute are concerned with a completely different type of closure (i.e. foundation ventilation closures). The closures of Naka, Allabaugh and Crute operate in different ways to close different types of openings. The different types of closures are subject to different loads in that the floor hatch (10) of Naka is

subjected to floor loads (i.e. must carry the same loads as applied to rest of floor) that are significantly greater than the loads seen by the wall ventilation closures of Allabaugh and Crute (i.e. 10 psf for the ventilation closures vs. at least 100 psf for the floor closure). In addition, the floor hatch in Naka is not permitted by building codes to deflect under load as evidenced by the reinforcing ribs (54) (Col. 4, L. 23-33) while the vent closure of Crute may flex (Col. 3, L. 1-2). It is respectfully submitted that there is nothing in Allabaugh, Crute and Naka to motivate one skilled in the art to combine these references due to the large differences in the purpose and function of their respective closures.

Furthermore, Allabaugh, Crute and Naka fail to disclose or suggest all of the features recited in claim 1. Claim 1 calls for a recessed peripheral border with a plurality of holes for receiving attachment means for fastening the cover to the wall. Neither Allabaugh, Crute nor Naka disclose or suggest this.

The marginal edges (8, 9) of the plate (7) in Allabaugh do not have holes for receiving the hooks (10) as the Examiner suggests (See Figs. 1-3). The opening (14) for the hooks (10) are located on the inner portion of the plate (7) and not a "recessed peripheral border" of the plate (7) as called for in claim 1 (Col. 2, L. 18-21 and Figs. 1-3). Nowhere does Allabaugh disclose or suggest a recessed peripheral border with a plurality of holes for receiving attachment means for fastening the cover to the wall as called for in claim 1.

Crute also fails to disclose or suggest a recessed peripheral border with a plurality of holes for receiving attachment means for fastening the cover to the wall. Crute has a single central hole defined by sleeve (32), for mounting bolt (34) (Fig. 2,

Col. 2, L. 20-29). The edge (22) or flange of Crute is not disclosed as having any holes whatsoever (See Figs. 1-2). Again, nowhere does Crute disclose or suggest a recessed peripheral border with a plurality of holes for receiving attachment means for fastening the cover to the wall as called for in claim 1.

Likewise, Naka also fails to disclose or suggest a recessed peripheral border with a plurality of holes for receiving attachment means for fastening the cover to the wall. The holes for the fasteners of Naka are not located on a "recessed peripheral border" of the cover but rather, they are located on the peripheral framework elements (121) of the floor cover. The holes of Naka are holes used for attaching the peripheral framework elements (121) to internal corner members (130) of the cover assembly and are not holes for attachment means for fastening the cover to the crawlspace wall.

Neither Allabaugh, Crute nor Naka disclose or suggest the features called for in claim 1, therefore their combination cannot as well. Claim 1 is patentable over Allabaugh, Crute and Naka. Claims 1-5 are patentable over the prior art and should be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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